THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 5841 of 2006

Dated: 05.03.2007

Between:

D. Pandari, S/o Narayana, aged about 35 years,
Driver, O/o A.D.E., (Electrical), Kamareddy,
Nizamabad District.

..... PETITIONER

AND

The Divisional Engineer, Electrical, O & C Division,
Northern Power Distribution Company of A.P., Limited,
Kamareddy, Nizamabad District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 5841 of 2006

Order:

Questioning the orders, dated 21.11.2005, issued by the 1st respondent-Divisional Engineer, rejecting the case of the petitioner for absorption/appointment as regular driver as against 50% quota of vacancies in terms of B.P. Ms. No. 36 and 37, dated 18.05.1997, on the ground that there is no provision for absorption of casual labour as Drivers, the petitioner filed the present writ petition.

The petitioner states that he has been working as Contract Driver with the respondent-APNPDCL for the last 10 years. He further states that when his case for absorption had not been considered by the respondent-APNPDCL in terms of B.P. Ms. Nos.36 and 37, dated 18.05.1997, he filed writ petition in W.P. No. 18604 of 2000, and this Court, by order dated 24.08.2005, disposed of the said writ petition directing the respondents to consider his case for absorption, as per B.P. Ms. Nos.36 and 37, dated 18.05.1997, if the said orders are applicable in his case and pass appropriate orders within a period of three months therefrom. Pursuant to the said directions, the 1st respondent issued the impugned orders intimating the petitioner that he is not entitled for regular absorption as Driver. Aggrieved by the same, the petitioner filed the present writ petition.

The respondents filed their counter affidavit *inter alia* stating that as B.P. Ms. Nos.36 and 37, dated 18.05.1997, were issued for filling up 50% of vacancies of JLM/JPA/JA/LDC/RC/Typist/Sub-Engineer through Casual labour/Contract labour/Village level workers, and the Driver post

is not eligible for absorption from contract labour/casual labour under 50% quota, the case of the petitioner was rejected, and no reasons to interfere with the same.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APNPDCL.

A perusal of the record as well as B.P. Ms. Nos.36 and 37, dated 18.05.1997, would go to show that B.P. Ms. Nos.36 and 37 provide only for filling up 50% of vacancies of JLM/JPA/JA/LDC/RC/Typist/Sub-Engineer posts through Casual Labour/Contract labour/Village Electricity Workers, and there is no provision for absorption/appointment of drivers through contract labour under 50% quota. In the absence of any such provision in B.P. Ms. Nos.36 and 37, dated 18.05.1997, with regard to absorption/appointment of drivers through contract labour/casual labour, no direction can be given to the respondents to absorb/appoint the petitioner as regular driver, and no exception can be taken to the orders passed by the respondents-APNPDCL in rejecting the claim of the petitioner for absorption/appointment as regular driver.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 05.03.2007
Nsr/Sj